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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,288	01/27/2000	Kenji Yoshioka	0102/0097	9693

21395 7590 07/17/2002

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EXAMINER

NGUYEN, DAVID Q

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 07/17/2002

10
Action
vacated
SK

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/492,288

Applicant(s)

YOSHIOKA ET AL. 

Examiner

David Q Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/27/00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claim 9 is rejected under 35 U.S.C. 102(a) as being anticipated by Timm et al. (US Patent number 5890061)

Regarding claim 9, Timm teach that a method of reporting an emergency comprises the steps of:

allowing hands-free speech communication with an emergency report receiving center via a microphone and a loudspeaker;

using a loudspeaker of the audio system as the hands-free speech communication speaker (see abstract; col. 3; lines 9-15; and fig. 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of McEvilly, Jr. (US Patent number 4232390).

Regarding claims 1,6 and 17, Timm teach that an emergency reporting apparatus for a vehicle comprising: A microphone; a loudspeaker; a hands-free system circuit (see abstract; col.

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3; lines 9-15; and fig. 5); and a means for allowing hands-free two-way speech communication (see abstract and fig. 1), means for receiving a volume level control signal from the emergency report receiving center (see fig. 1). Timm is silent to disclose a volume control circuit connected to the loudspeaker and means for controlling the volume control circuit to adjust the volume level. However, McEvelly, Jr. discloses that a volume control circuit is connected to the loudspeaker and means for controlling the volume control circuit to adjust the volume level (see fig.11 and col. 15, lines 9-10). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of McEvelly to Timm so that volume level of sound is controlled to a desired level by a vehicle user .

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of McEvelly, Jr. (US Patent number 4232390) and further in view of Fujiki et al (US Patent Number 6188891)

Regarding claims 2-4, the emergency reporting apparatus for a vehicle of Timm as modified in view of McEvelly teach all of the limitation as applied to claim 1 above. McEvelly further disclose means for controlling the volume level and allowing a user to change the volume (see fig. 11). Timm and McEvelly are silent to disclose that the volume control circuit controls the volume level at the predetermined level, and inhibiting a user from changing the volume level. However, Fujiki disclose that means for setting the volume level to a predetermined level such as the maximum level (see col. 2, lines 40-44). It is apparent that at the maximum level, user is inhibited to change the volume level. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of

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Fujiki to Timm and McEvilly for controlling the volume level at the predetermined level, and inhibiting users to change the volume level so that it can avoid the case of miss hearing.

4. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of in view of McEvilly et al. (US Patent number 4885572) and further in view of Nevins et al. (US Patent number 5949886)

Regarding claims 5 and 7, the emergency reporting apparatus for a vehicle of Timm as modified in view of McEvilly teach all of the limitation as applied to claim 1 above. Timm further teach means for receiving a volume level control signal from an external device (see fig. 1), except for means for detecting a level of background sound noise inputted via the microphone, and means for controlling the volume control circuit to adjust the volume level of sound generated by the loudspeaker in response to the detected level of background sound noise. However, Nevins teach that means for detecting a level of background sound noise inputted via the microphone, and means for controlling the volume control circuit to adjust the volume level (see abstract and col. 1, lines 16-27). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Nevins to Timm, McEvilly so that the user is notified of a possible error condition if the signal level falls below and goes over a predetermined threshold.

Regarding claim 8, Timm further teach the emergency reporting network system comprising an emergency report receiving center; a communication network; and emergency report receiving center via the communication network (see fig. 1). Timm, McEvilly teach that the emergency reporting apparatus comprising of one of claim 1 (see explanation in claim 1-7).

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5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Warnaka et al. (US Patent number 6356641)

Regarding claim 10, the audio system method in a vehicle of Timm teach all of the limitation as applied to claim 9 above. Tim fails to teach that one of an audio system loudspeakers are located in a right front door, a right rear door, a left front door, a left rear door. However, Warnaka teach that one of an audio system loudspeakers are located in a right front door, a right rear door, a left front door, a left rear door (see col. 2, lines 8-25). Warnaka does not mention that loudspeakers are located at a right portion of a rear seat, and a left portion of the rear seat. However, Warnaka show that more speakers are added to the other location in the vehicle (see col. 1, lines 8-25). It is apparent that loudspeakers could be located at a right portion of a rear seat, and a left portion of the rear seat. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Warnaka to Timm for the emergency reporting vehicle comprising loudspeakers located in the desired location in order to improve the sound inside the vehicle.

6. Claims 11-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Dawson et al. (US Patent number 4683591)

Regarding claims 11 and 12, the method of emergency reporting vehicle of Timm teach all of the limitation as applied to claim 9 above. Timm is silent to teach that in case of the loudspeaker of audio is wrong, the loudspeaker of audio system is replaced with another loudspeaker of the audio system, which is used as the hands-free speech communication loudspeaker, in response to user's manual operation. However, Dawson teach that audio system comprising switch for switching speaker to another speaker in audio system, and means for

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selecting speakers (see fig. 3 and col. 12, lines 20-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to Timm in order for avoiding losing communication between user and the emergency report center during emergency reporting.

Regarding claim 18, the method of emergency reporting vehicle of Timm teach all of the limitation as applied to claim 17 above. Timm is silent to teach means for selecting one from among loudspeakers of the audio system as the hands-free loudspeaker. However, Dawson teach means for selecting one from among the speaker of the audio system (see fig. 3, and col. 12, lines 19-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Dawson to Timm so that it is easy for user to avoid noise, howling during the emergency reporting.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Dawson et al. (US Patent number 4683591) and further in view of Hamada et al. (US Patent number 5295192).

Regarding claim 15, the method of emergency reporting vehicle of Timm in view of Dawson teach all of the limitation as claimed. Tim and Dawson fail to teach detecting a level sound generated by the loudspeaker of the audio system, and replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to the detected sound level. However, Hamada disclose an electronic noise attenuation method comprising a sensor to detect a level sound generated by the loudspeaker (see col. 1, line 30-40). It is apparent that a sensor to detect a level sound generated by the loudspeaker of Hamada can be applied to the Applicant's sensor as claimed, and user can replace the loudspeaker with another one in response

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to the detected sound level. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Hamada to Timm and Dawson in order for avoiding the noise during communication between user and the emergency report center.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Rose. (US Patent number 3678202)

Regarding claim 16, the method of emergency reporting vehicle of Timm teach all of the limitation as applied to claim 9 above. Timm is silent to teach the steps of detecting an impedance of the loudspeaker of the audio system, replacing the loudspeaker of the audio system with another loudspeaker of the audio system when the loudspeaker is wrong. However, Rose teaches that detecting an impedance of the loudspeaker of the audio system and replacing the loudspeaker of the audio system with another loudspeaker of the audio (see col. 2, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Rose to Timm in order for avoiding losing communication between user and the emergency report center during emergency reporting.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable by Timm et al. (US Patent number 5890061) in view of Dawson et al. (US Patent number 4683591) and further in view of Prus (US Patent Number 6275590).

Regarding claim 19, the method of emergency reporting vehicle of Timm in view of Dawson teach all of the limitation as claimed. Tim and Dawson are silent to disclose that the selecting means comprises a unit manually operable by a user. However, Prus discloses a speaker selecting means in a vehicle. (see fig. 3). It is apparent that the speaker selecting means of Prus

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can be applied to speaker selecting means of the Applicant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Prus to Timm and Dawson so that user can select speaker as desired and avoid noise, howling during the emergency reporting.

Allowable Subject Matter

10. Claims 13-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claims.

Regarding claims 13 and 14, Timm in view of Warnaka and further in view of Dawson fail to teach that replacing the loudspeaker of the audio system with another loudspeaker of the audio system in response to a loudspeaker change requirement signal transmitted from the emergency report receiving center, as specified in claim 13.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communication from the examiner

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should be directed to Nguyen Q. David whose telephone number is (703) 605-4254. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for all communications

DN

David Q. Nguyen



NGUYEN T. VO
PRIMARY EXAMINER